

discriminated against—is bipartisan. But do you know what I think is most striking about this vote? The deafening silence from the group of almost entirely male Republican Senators who are voting today to make it harder for women to get the healthcare they need. Not one spoke today to justify this vote. Where are those Republican Senators? Why did they feel so entitled not just to interfere with women's healthcare decisions but to do so without explaining themselves? If they are ashamed of their votes, which they should be, they had ample opportunity to reconsider.

I came to the floor with my Democratic colleagues weeks ago to urge Republicans not to bring this damaging legislation to the floor. We asked for just one Republican vote today to prevent this attack on women's health. And women across the country, in Republican and Democratic States, called, emailed, tweeted, and organized to say that these restrictions on women's access to healthcare have no place in our country or in the 21st century. But what have these 50 Senate Republicans done? They refused to listen, and they refused to answer for their actions.

Frankly, women deserve better. The thing is, women know it. So today, as a woman, I am angry. As a mother and a grandmother, I am furious about what attacks like this mean for our daughters and our granddaughters, especially those who are struggling and disproportionately rely on family planning centers. But as a Senator, I am more confident than ever that Republicans who fail to listen to the women of this country do so at their own peril. I have had the chance to see how much impact women have when they call and march and organize and make their voices heard.

The fact that Vice President PENCE had to come and break this tie today, that Senate Republican leaders could not twist enough arms to pass this bill on their own, is clear evidence. So is the failure of House Republicans' abysmal TrumpCare bill, which would have cut off access to critical services at Planned Parenthood.

I know without a doubt that Republican Senators who vote against women and with their extreme base today and who rely on this anti-women administration to jam this resolution through will be held accountable both by women across the country and women right here in the Senate. We will keep making our voices heard. We will fight back against these attacks on our rights and our own self-determination, and ultimately, you can be sure, we will win.

I yield the floor.

I yield back the time on this side.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—50

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

NAYS—50

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murphy	

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the joint resolution, H.J. Res. 43, is passed.

The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks on Monday, April 3, the Senate proceed to the consideration of Calendar No. 18, S. 89, with the time until 5:30 p.m. equally divided in the usual form, and that following the use or yielding back of time, the bill be read a third time and the Senate vote on passage with no intervening action or debate. I further ask that following the vote on passage, the Senate proceed to executive session for consideration of Calendar No. 24, the nomination of Elaine Duke to be Deputy Secretary of Homeland Security. I further ask that at a time to be determined by the majority leader, with the concurrence of the Democratic leader, on Tuesday, April 4, the Senate vote on confirmation of the nomination, and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. CASSIDY). Is there objection?

Without objection, it is so ordered.
The Senator from Iowa.

CONGRESSIONAL REVIEW ACT RESOLUTION

Mrs. ERNST. Mr. President, I rise to thank my colleagues for their support of my legislation to overturn President Obama's eleventh hour rule that revokes States' rights to determine the best eligible subgrantees for title X family planning funding. It should be the right of our States to allocate subgrants under the title X program in the way that best fits the needs of the people living there. Unfortunately, like many other rules that were issued during the Obama administration, this rule attempted to empower Federal bureaucrats in Washington and silence our States.

As we all know, States are closer to and more familiar with the healthcare providers and patients within their borders and should be able to make their own decisions about the best eligible title X subgrantees, be they hospitals, federally qualified community health centers, or other types of providers. A number of States have acted in recent years to prioritize title X subgrants to more comprehensive providers, where women can receive greater preventive and primary care than they can with providers like Planned Parenthood.

The Obama administration's rule attempted to claim that providers like Planned Parenthood can "accomplish title X programmatic objectives more effectively." This rhetoric does not match the reality. In fact, after Representative DIANE BLACK and I led more than 100 of our colleagues in pointing that out to the Obama administration, HHS acknowledged the challenge of measuring effectiveness across all types of title X recipients and subrecipients and therefore removed the word "effectively" from the final rule.

So why was this rule implemented in the first place? It is because the Obama administration wanted to do everything it could to secure Federal funding streams for Planned Parenthood before they turned over the keys to the Trump administration. With our vote today, we prevented that from happening.

But let me be clear. Although it is no secret that I do not believe Planned Parenthood—the Nation's single largest provider of abortion services—is deserving of Federal taxpayer dollars, this legislation does not prevent Planned Parenthood or any other specific entity from receiving title X funds. If States like Washington or Massachusetts want to distribute title X subgrants to Planned Parenthood, this legislation to overturn the Obama administration's rule will not prevent them from doing so, nor does overturning the rule reduce overall funding levels for the Title X Family Planning Program.

In fact, this legislation does not in any way decrease women's healthcare

funding. Rather, overturning the rule merely empowers States over a Washington-knows-best mentality and assures that States have the ability to identify the best eligible title X subgrantees. It restores local control and ensures that States aren't forced by the Federal Government to provide abortion providers like Planned Parenthood with taxpayer dollars.

I appreciate my colleagues' support of this legislation, and I look forward to President Trump signing it and scrapping the Obama administration's overreaching eleventh-hour rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, on January 18, 2017, two days before President Obama left office, he finalized a rule and put it in place to require States—regardless of their decisions in their State—to have to use Planned Parenthood, removing the decision making from each State.

In the past, it had been very straightforward. States were allowed the opportunity to be able to examine who was the best decision maker to be able to help and the best provider of care in their community for title X funding. For that family planning funding, when it occurs and when it goes through the process, the States made the decision, looked at the providers, found out who the most comprehensive provider was, who could provide the best healthcare, and they made that final decision.

President Obama, two days before he left office, finalized a rule to remove that right from States and to compel each State to be able to use Planned Parenthood.

States like mine and many other States said: We want to do family planning in our State. We want to have comprehensive healthcare in our State, but we do not want to provide Federal funds to the single largest provider of abortion in the country. That was a reasonable decision that our State lawmakers could make to be able to protect the lives of women in our State and to protect the lives of children for the future. That reasonable, common-sense method was removed two days before President Obama left office.

I am proud to say that the House of Representatives and the Senate today voted to strike that rule from the last two days of President Obama's term to compel States to be able to use Planned Parenthood in their States, to be able to give the option back to the States again.

I look forward to President Trump signing it. I would remind the President of this one simple thing, though. This does not strike funding away from women's care. This doesn't take funding away from any of the family planning. This doesn't even force States to not use Planned Parenthood. It is a simple statement of where we used to be: States could choose to have Planned Parenthood as a part of their

title X funding, or not. It is their choice. If some States want to do that, they may continue to do that. Other States should not be compelled to do that with taxpayer funds, though.

That is the new status quo as soon as President Trump signs it—to be able to return to a basic doctrine: States should not be compelled to have taxpayer funds used toward Planned Parenthood title X funding.

I am proud that this Senate just passed this resolution. It is a reasonable act for us to be able to do, and I look forward to the President's signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF NEIL GORSUCH

Mr. COTTON. Mr. President, when his nomination comes to the floor next week, I will vote to confirm Neil Gorsuch to the Supreme Court. This is my first time voting on a Supreme Court nominee, and I don't take the decision lightly. It is a lifetime appointment, after all, and the Court's rulings have shaped our country's history—for good and for ill—and will continue to shape our future. But after reading Judge Gorsuch's writings, meeting with him in person, and listening to his testimony, I can say with confidence that it is not a hard call. I believe Judge Gorsuch will be a fine addition to the Supreme Court.

There is no denying Judge Gorsuch's distinctive qualifications. We all know his credentials: Columbia, Harvard law, and an Oxford doctorate to boot. He clerked for an appellate judge and two Supreme Court Justices. He had many years of experience in both private practice and in public service and, of course, over 10 years as an appellate judge. He possesses fine judicial temperament: highly erudite, highly accomplished, and highly regarded by those who know him best. It is no surprise, then, that the American Bar Association, in a unanimous vote, declared him "well qualified" for the job.

While I wouldn't outsource our responsibilities to any advocacy organization, I would note that the minority leader himself once said the ABA rating is "the gold standard by which judicial candidates are judged."

But, of course, Judge Gorsuch is not just filling any seat, but the seat once held by the late Justice Antonin Scalia. Justice Scalia was a giant of American jurisprudence. Most Justices earn their place in history by writing opinions, giving voice to their colleagues, and speaking for the Court as a whole. Justice Scalia did that many times throughout his career, of course, but he did something more. He changed the way judges—both conservative and liberal—think about the law and defend their decisions. He reminded us all that a judge's job is to apply the law—including the Constitution, our most fundamental law—as written, to the case

before him, not to rewrite it all together.

Adhering to the law, even when the judge doesn't like the result, is the greatest public service that a judge can render, because to respect the rule of law is ultimately to respect the rule of the people.

This is what Justice Scalia taught and what he inspired a whole generation of judges and lawyers to understand. As we prepare to fill his seat on the Supreme Court, let us also acknowledge that no man can fill his shoes. We honor the memory of Justice Scalia and we thank his wife, Maureen, and his whole family for sharing this great man with our country for so long.

Judge Gorsuch is a child of the Scalia generation. He has long advocated for and followed the originalist judicial craft—one rooted in the text, structure, and history of our Constitution, which is to say that he respects the rule of law and he respects the people. Whether defending the religious liberty of the Little Sisters of the Poor or the Fourth Amendment rights of a regular household, he has shown a profound respect for the Constitution. I also think he has demonstrated throughout his career a firm independence of thought. He has had his influences and his mentors, his promoters and his critics, but I believe he will be his own man—as he should be.

So I am pleased to announce my support for the next Associate Justice of the Supreme Court, Judge Neil Gorsuch. I look forward to his confirmation next week.

MORNING BUSINESS

Mr. COTTON. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to initially speak about the bipartisan Veterans Choice Program Improvement Act, but first I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS CHOICE PROGRAM IMPROVEMENT ACT

Mr. SCHATZ. Mr. President, distance or delays should never be the reason that veterans don't get the healthcare they need, but that is exactly what is happening to veterans across the country. That is why the Veterans Choice